

#28/ Declaration
T. H. B. et al. B. et al.
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PATENTS
P1525/112007-0008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Michael A. Cleron et al.)
Serial No.: 08/435,377)
Filed: May 5, 1995)
For: EXTENSIBLE REPLACEABLE NET-)
WORK COMPONENT SYSTEM)

Examiner: Caldwell, P.
Art Unit: 2755

Cesari and McKenna, LLP
30 Rowes Wharf
Boston, MA 02110
October 15, 1999

TC 2760 MAIL ROOM

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DECLARATION BY ASSIGNEE UNDER 37 C.F.R. §1.131

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I, Sari Harrison, residing at 14471 Springer Avenue, Saratoga, California 95070 and being a citizen of the United States of America, hereby offer the following Declaration on behalf of the Assignee in support of the above-referenced patent application.

1. I am an Engineering Manager at Apple Computer, Inc. ("Apple") I have been an employee of Apple for approximately 7 years. I understand and believe that Apple is the assignee of the above-identified patent application by virtue of an Assignment document that has been recorded at the United States Patent and Trademark Office at Reel 7509 Frame 0853.
2. As set forth below, I am authorized to submit this Declaration on behalf of Apple.
3. I have reviewed the patent application including the claims currently of record and am familiar with them.

4. Prior to November 1994, the invention as described and claimed in the above-identified patent application was completed in this country as evidenced by the following.

A. Prior to September 1994, I saw an in-house demonstration of Apple's Cyberdog project in Cupertino, California. Cyberdog was the name given to the project corresponding to the above-referenced patent application. The demonstration was presented by Stephen Fisher, who I understand and believe is one of the co-inventors of this patent application. None of the co-inventors are currently employed at Apple.

B. The in-house demonstration included the running of computer code, which I understand and believe had been written some time prior to September 1994. The computer code which was demonstrated prior to September 1994 implemented, among other things, a network component layer for developing network navigation components that are capable of providing services to a computer network, such as the Internet, as recited in the patent application. Additionally, the network component layer was coupled to a component architecture layer which, in turn, interfaced with an operating system and permitted communication among the computing and navigation components.

C. Attached hereto as Exhibit A is a true and correct copy of a document entitled *Cyberdog ERS (Preliminary)* that evidences and supports completion of this invention as particularly defined in independent claims 1, 7, and 17 prior to November 1994. More specifically, the ERS document, which stands for Engineering Requirements Specification, at pp. 89 and 90, states that Cyberdog is an "extensible" platform and architecture that interoperates with Apple's OpenDoc. The use of application programming interfaces (APIs) delivered in the form of objects in a class hierarchy, as recited in claims 2-6 of this application, is described at pp. 90-92, and 95, and other places. A description of network services as recited in independent claim 17 may be found at pp. 110-120.

D. Attached hereto as Exhibit B is a true and correct copy of a Class Description document that further evidences and supports completion of the present invention prior to November 1994. In particular, Exhibit D describes the object classes (including their parameters and methods) as recited in claims 2-6.

E. Attached hereto as Exhibit C is a true and correct copy of a document entitled *Cyberdog Usability Testing - Round 4*. This document, which reports on usability testing conducted on the invention in September 1994, further evidences and supports completion of the invention prior to November 1994. In particular,


page 5 confirms that a working version of the system had been developed by this time. Furthermore, as demonstrated in the set of tasks on p. 6, the system included navigation components for searching and obtaining information available on computer networks (such as the Internet) as recited in independent claims 1, 7 and 17.

F. In or about November 1994, I joined the Cyberdog Project at Apple. At that time, I reviewed numerous computer source code files which, as stated above, I understand and believe had been written some time prior to November 1994 and which correspond to the above-referenced patent application.

5. Each of the dates deleted from Exhibits A, B and C are prior to September 30, 1994.
6. Based on the foregoing, I understand and believe that the invention claimed in this patent application was demonstrated to work for its intended purpose prior to November 1994.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

10/25/99
Date


Apple Computer, Inc.
By: Sari Harrison
Title: Engineering Manager

I, Albert P. Cefalo, am the Assistant Secretary at Apple Computer, Inc. I have reviewed the foregoing Declaration and hereby state that Sari Harrison is authorized to submit a Declaration to the United States Patent and Trademark Office on behalf of Apple Computer, Inc. in this matter.

10/25/99
Date


Albert P. Cefalo
Assistant Secretary
Apple Computer, Inc.